

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
78848-33 /jas

In Re Application Of: **DAVID BOERTJES, ET AL.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/067,910	February 8, 2002	Shi K. Li	07380	2613	8036

Invention: **METHOD OF WDM CHANNEL TAGGING AND MONITORING, AND APPARATUS**

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of April 13, 2006 in the above-identified application.
Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **August 29, 2006** finally rejecting Claim(s) **1-3, 15 and 39-44**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: August 13, 2006 until: October 13, 2006
Date Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$500.00

Fee for Extension of Time: \$450.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$950.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☐ A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed.

☒ Please charge Deposit Account No. **19-2550** in the amount of **\$950.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-2550**

☐ Payment by credit card. Form PTO-2038 is attached.

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P29LARGE/REV07

OCT-13-2006 16:46 FROM:

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**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
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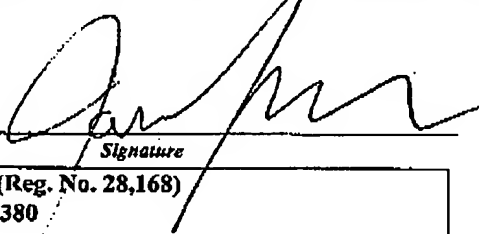
In Re Application Of: **DAVID BOERTJES, ET AL.**

Application No. 10/067,910	Filing Date February 8, 2002	Examiner Shi K. Li	Customer No. 07380	Group Art Unit 2613	Confirmation No. 8036
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Invention: **METHOD OF WDM CHANNEL TAGGING AND MONITORING, AND APPARATUS**

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Dated: October 13, 2006

James McGraw (Reg. No. 28,168)
Customer No. 07380

Tel. No. (613) 232-2486

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CENTRAL FAX CENTER****To Fax no.:** (571) 273-8300**OCT 13 2006**P.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Canada K1P 5Y6**Page 1 of:** 26**Attention:** MAIL STOP AF & APPEAL BRIEFS

Group Art Unit 2163

Examiner Shi K. Li

Tel.: (613) 232-2486

Fax: (613) 232-8440

From: SMART & BIGGAR**Your file no.:** 10/067,910**Date:** October 13, 2006**Reply to Ottawa file no.:** 78848-33 /jas**Time:****Certificate of Transmission**I hereby certify that this correspondence is being facsimile
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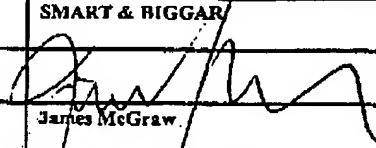
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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/067,910	
	Filing Date	February 8, 2002	
	First Named Inventor	BOERTJES, David et al.	
	Art Unit	2613	
	Examiner Name	Shi K. I.	
Total Number of Pages in This Submission		25	
		Attorney Docket Number	78848-33 /jas

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Transmittal of Appeal Brief</p>
Remarks Submitted herewith is a Combined Notice of Appeal with Petition for Extension of Time; together with an Appeal Brief		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	SMART & BIGGAR	
Signature		
Printed name	James McGraw	
Date	October 13, 2006	Reg. No 28,168

CERTIFICATE OF TRANSMISSION/MAILING		
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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